GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APM&HS – Sri Shaik Salam, former DMO, Kadapa (Retd.) – Allegations of irregularities in allotment of Anti-Mosquito spraying work – Article of Charges framed – Regular enquiry conducted – Charges proved – Imposition of penalty of 25% cut in pension for a period of 3 years under APRP Rules, 1980 –Orders cancelled – Sanction of full payment of pension – orders Issued.

HEALTH MEDICAL AND FAMILY WELFARE (VC-II-1) DEPARTMENT

G.O.MS.No. 81 **Dated: 13-07-2021**

Read the following:-

1. From the Director of Health, AP, Hyderabad, letter Rc.No.030370 /VC.III.A/07,dated 25-03-2009.
2. Charge Memo. in Rc.No.030370/VC.III.A/2007, dated -11-2007 of DH, AP, Hyderabad.
3. WSD of Sri Shaik Salam, DMO, Kadapa, dated 25-03-2008.
4. Govt. Memo.No.6158/VC.II.1/2009-2, dt.3-11-2009.
5. Enquiry Report of Additional Director (Admin), O/o DPH & FW, Hyderabad and Enquiry Officer, dated 07-10-2010.
6. Govt. Memo.No.6158/VC.II.1/2009-6, dt.7-01-2011.
7. Explanation of Sri Shaik Salam, DMO (Retd.), Kadapa, dated 03-03-2011.
8. Govt. letter No.6158/VC.II.1/09-9, dated 23.03.2011.
9. Orders of Hon'ble A.P.A.T. in C.A. No.855/2010 in O.A.No.12243/2009, dated 18-03-2011.
10. G.O.Ms.No.72, HM&FW(VC.II.1) Dept, dt.31.03.2011.
11. From the APPSC, Hyderabad, Lr.No.458/RT-I/2/2011, dt.10.05.2011
12. From the Hon'ble APAT,Orders dt:28.09.2016 in O.A No.3129/13.
13. From the Hon'ble High Court ,Hyderabad, orders dt.22.01.2018 in WP.No.42072/2017.
14. G.O.Ms.No.23, HM&FW(VC.II.1) Dept dt.16.03.2018.
15. From the Hon'ble High Court , A.P , orders dt.23/10/2019 In W.P No. 15564/2019.
16. Speaking orders issued by the Government vide Memo.No. 723433/ VC.II.1/2017-12.Dated.10.06.2020
17. CC NO.1430/2020, dt.05/03/2021 in W.P.NO.15564/2019 received from the Hon'ble High Court, A.P
18. Government Letter No 723433/VC.II.I/2017, Dated:16-06-2021 to the Secretary, APPSC, Vijayawada.
19. Letter No.280/DC&C/2021, Dt.12.07.2021, from the Secretary, APPSC, Vijayawada.

O R D E R:-

In the reference 1st read above, the Director of Public Health has informed that on allegation of irregularities in allotment of anti-mosquito spraying work and misuse of Government funds by Sri Shaik Salam, the then District Malaria Officer of Kadapa (Retd.), the Regional Director of Medical & Health Services, Kadapa issued instructions to the Deputy Director (VS), Office of the Regional Director, Kadapa to conduct an enquiry. Accordingly, the Enquiry Officer submitted a preliminary enquiry report. Based on the preliminary enquiry report, the Director of Health, AP., Hyderabad has framed Article of charges against Sri Shaik Salam, Retired District Malaria Officer, vide reference 2nd read above.

2. The Charged Officer submitted his Written Statement of Defense to the Charge Memo vide reference 3rd read above. After examination of the Written Statement of Defense submitted by the individual, the Additional Director (Administration), Office of the Director of Public Health, Andhra Pradesh, Hyderabad was appointed as Enquiry Officer to conduct regular enquiry on the charges framed against the Charged Officer in the reference 4th read above. The Enquiry Officer submitted Enquiry report in the reference 5th read above wherein the E.O. held the charges are proved.

(PTO).

3. The Government, after examining the Enquiry report together with the material made available, and explanation of the charged officer, arrived at a provisional decision to impose a punishment of 25% cut in pension of Sri Shaik Salam, District Malaria Officer (Retired) for a period of three years under rule 9 of the Andhra Pradesh Revised Pension Rules, 1980 and accordingly, a show cause notice was issued in the Memo 6th read above, calling for his explanation. Explanation submitted by the individual was found not convincing, Government decided to confirm the provisional decision to impose the punishment of 25% cut in pension against Sri Shaik Salam, District Malaria Officer (Retired) for a period of three years, since the charges leveled were held proved. Accordingly, in the letter 8th read above, the Secretary, APPSC was requested for concurrence on the provisional decision of the Govt.

4. Pending receipt of the concurrence of APPSC, Govt. have issued final orders in the G.O 10th read above, conforming the provisional decision in order to comply with the orders of APAT in O.A No.12243/2009, dt.17.12.2009, consequent to receipt of notice in C.A. 9th read above.

5. In the letter 11th read above, the Secretary APPSC, Hyderabad has communicated the concurrence of the Commission, agreeing with the proposal of the Govt. to impose a penalty of 25% cut in pension for a period of 3 years against Sri Shaik Salam, MO(Retd.). Since there is no variance from the provisional decision of the Govt. and the concurrence of the APPSC received after issue of the final orders confirming the provisional decision, no revised orders were issued incorporating the concurrence of the AP Public Service Commission obtained at a later stage.

6. Aggrieved by the orders issued in the G.O.10th read above, the individual filed O.A.No.3129/2013 and the Hon'ble APAT in its orders 12th read above, set aside the orders issued in G.O.10th read above.

7. Aggrieved by the above orders, W.P.No.42072/2017 was filed by the Govt. and the Hon'ble High Court, Hyderabad has passed orders vide reference 13th read above, as follows:-

> "Since the aforesaid G.O.Ms.No.72, dt.31.03.2011 has been set aside by the Tribunal and thereafter no fresh order has been passed by the petitioners, we are of the opinion that the present writ petition is not maintainable.
>
> Needless to state that if the State wishes to pass orders afresh, since the concurrence has now been given by Public Service Commission, they can do so by following the procedure established under law".

8. Keeping in view of the judgment of Hon'ble High Court above, the Govt. aftercareful examination of the entire matter, decided to issue orders afresh by incorporating the concurrence of the APPSC obtained on imposing the punishment of 25% cut in pension for a period of 3 years against Sri Shaik Salam, former District Malaria Officer, Kadapa (Retd.) by cancelling the orders issued in the G.O. 10th read above. Accordingly, while cancelling the orders issued in the G.O.10th read above, the Government have issued the revised orders imposing a punishment of 25% cut in pension for a period of three years against Sri Shaik Salam, former District Malaria Officer, Kadapa (Retd.) under rule 9 of A.P.Revised Pension Rules, 1980, vide ref. 14th read above.

9. Aggrieved by the orders issued in the G.O.14th read above, the individual have filed W.P NO. 15564/2019 and the Hon'ble High Court in its orders 15th read above, have issued the following orders:

> "without going into the merits of the case, this Writ Petition is disposed of directing the respondents to implement the order of the Andhra Pradesh Administrative Tribunal, Hyderabad, passed in O.A.No.3129 of 2013 dated 28.09.2016 within a period of three months from the date of receipt of a copy of this order provided the order has attained finality and no application is filed challenging the order as on today by any other party. There shall be no order as to costs".

(PTO).

10. In pursuance of the orders issued by the Hon'ble High Court, and after consulting with the G.P for Medical & Health Department, the Government have issued the speaking orders to the individual, in the reference 16th read above, duly informing the Government orders issued vide G.O.Ms.No.23, HM&FW(VC.II.1) Dept dt.16.03.2018.

11. Aggrieved by this, the individual has filed the contempt case in Hon'ble High Court , and the Hon'ble High Court have issued the contempt notice dt 05.03.2021 in contempt case No.1430/2020 in WP No. 15564/2019, and the case was posted on 09/04/2021, and the proceedings were held through visual telephonic conference.

12. In view of the circumstances explained above, the Government after careful examination of the matter, have decided to cancel the orders of imposing the punishment of 25% cut in pension for a period of 3 years against Sri Shaik Salam, former District Malaria Officer, Kadapa (Retd.), issued in the ref.14th read above, duly sanctioning the full payment of pension to the individual.

13. In the letter 18th read above, the Secretary, APPSC was requested for the concurrence on the decision of the Government, at para 12 above.

14. In the letter 19th read above, the Secretary APPSC, Vijayawada has communicated the concurrence of the Commission, agreeing with the proposal of the Govt. to cancel the orders of imposing the punishment of 25% cut in pension for a period of 3 years against Sri Shaik Salam, former District Malaria Officer, Kadapa (Retd.), issued in the ref.14th read above, duly sanctioning the full payment of pension to the individual.

15. Accordingly, while cancelling the orders issued in the G.O.14th read above, the Government hereby sanctioned the full payment of pension to the individual, Sri Shaik Salam, former District Malaria Officer, Kadapa (Retd.) .

16. The Director of Public Health & Family Welfare, Andhra Pradesh, Vijayawada shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL KUMAR SINGHAL
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Shaik Salam, District Malaria Officer (Retired), Kadapa
through the Director of Public Health & Family welfare, A.P. Vijayawada.
The Director of Public Health & Family welfare, A.P. Vijayawada.
Copy to
The Secretary, AP Public Service Commission, M.G.Road, Vijayawada
The OSD to Hon'ble Dy.Chief Minister (HFW&ME), Secretariat.
The PS to Principal Secretary, HM&FW Department, Secretariat.
The Accountant General, A.P. Vijayawada.
The Director of Treasuries and Accounts, A.P, Anjaneya Towers,
Ibrahimpatnam, Krishna District.
The District Treasury Officer, Kurnool/Kadapa.
The District Medical & Health Officer, Kurnool/Kadapa.
The Government Pleader for M&H Department, AP High Court, Thullur, Velagapudi,
Amaravati
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER